

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JANICE HARGROVE WARREN

Plaintiff,

No. 4:19-cv-00655-BSM

vs.

February 15, 2022

MIKE KEMP, et al.,

Defendants.

Little Rock, Arkansas
1:11 p.m.

TRANSCRIPT OF TESTIMONY OF MARGIE POWELL
BEFORE THE HONORABLE BRIAN S. MILLER,
UNITED STATES DISTRICT JUDGE, and a jury

APPEARANCES:

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I N D E X

EXCERPT

PLAINTIFF'S WITNESS

	Direct	Cross	Redirect	Recross	Redirect
MARGIE POWELL	5	26	28	28	30
Court Reporter's Certificate.....					30

P R O C E E D I N G S

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THE COURT: Ms. Jenkins, call your next witness.

MS. JENKINS: Your Honor, Plaintiffs call Margie Powell.

THE COURT: Ms. Powell. We call Margie Powell, please.

Ms. Powell, if you would come on down. Ms. Powell, if you would raise your right hand?

MARGIE POWELL, PLAINTIFF'S WITNESS, DULY SWORN

THE COURT: Ms. Powell, it's probably been what twelve years since you have testified in this courtroom?

THE WITNESS: You missed out on Judge Marshall.

THE COURT: No, you have been testifying in another courtroom, not this courtroom.

THE WITNESS: I don't even think this courtroom was here, was it?

THE COURT: It was here. This is where I have been all along.

THE WITNESS: I'm kind of senile now.

THE COURT: All right.

MR. PORTER: She probably thought, Your Honor, she was testifying in court.

THE COURT: She probably did.

All right. Ms. Powell, if you feel comfortable removing

1 your mask to speak you can, but you don't have to.

2 THE WITNESS: I want to.

3 THE COURT: Okay. I think you're far enough away.
4 We're spread out enough.

5 THE WITNESS: This is going to get caught in my
6 earring, you know that, don't you?

7 Hang on. Don't let me forget I have got one earring.

8 THE COURT: Okay. Ms. Jenkins, you can inquire of the
9 witness.

10 MS. JENKINS: Yes.

11 DIRECT EXAMINATION

12 BY MS. JENKINS:

13 Q. Would you state your -- first of all, thank you for coming.

14 Would you state your name, current occupation, if any, your
15 gender and your race?

16 A. My waist?

17 Q. No, race.

18 A. Okay. Margie Powell. I am currently retired for now. I
19 am African-American. And then what else did you tell me?

20 Q. Gender.

21 A. Female last time I looked.

22 Q. Tell us a little bit about your work history, your work
23 experience?

24 A. In my last capacity, because I have had 5,000 jobs almost?

25 Q. Yes. Your last capacity, please.

1 A. Thanks to Judge Miller, I was appointed the director of the
2 then Office of Desegregation Monitoring. Prior to that, I was
3 called an associates monitor. We all had -- all of the monitors
4 had different areas that they monitored. Mine was basically
5 discipline, technical education, counseling, and something else.
6 It's been a minute.

7 Q. So when were you appointed as a monitor?

8 A. In July of 1991.

9 Q. And where?

10 A. In Little Rock.

11 Q. All right. Here in Little Rock?

12 A. Yes. Uh-huh.

13 Q. And so what kind of activities did you engage in?

14 A. Well, we were -- I need to give you a little background
15 about that, so it will make sense to you. Our office was the
16 first of its kind in the nation. Most other cases similar to
17 these did not have a consent decree, and this case did. So we
18 had to develop what our monitoring office had to do. We had no
19 one to go by, nothing to go by. So studying all of the
20 obligations, that sort of thing, we worked together to determine
21 monitoring strategies, how we would look at it, how to make sure
22 we were fair, how to engage the school district personnel, as
23 well, at that time Joshua, to make sure we were all connecting
24 and speaking the same language.

25 Q. When you said these cases, this is not a deseg case. What

1 case are you referring to?

2 A. Little Rock School District versus Pulaski County and
3 Department of Education.

4 Q. All right. Thank you. And how long did you serve as a
5 monitor in the Office of Desegregation Monitoring?

6 A. Until 2014.

7 Q. And what sort of -- and in that role, would you tell us
8 again what you did and who you worked with?

9 A. Well, I worked with -- are you talking about from the
10 beginning, or as the chief monitor at the time? What time frame
11 are you referring?

12 Q. When you began in 1991.

13 A. Okay.

14 Q. How long were you in that position, and when did you move
15 to chief monitor?

16 A. Okay. I was in that position, I started out as associate
17 monitor. All of the monitors started out that way. And at that
18 time Ann Brown was the director of the Office of Desegregation
19 Monitoring, and she hired all of us. As I said before, rather
20 than being repetitious, we all had areas that we monitored and
21 we collaborated on, because we all came from different
22 backgrounds to form something that would be a whole and useful
23 district wide. I served in that capacity as an associate
24 monitor until after Ann -- Judge Andree Roaf was assigned to
25 replace her, and Judge Roaf died in the office. As a matter of

1 fact, she died in my arms. So that left us without a leader at
2 the time. By then several of the members of the original
3 monitoring team had moved on, but Judge Miller gave me the
4 assignment in --

5 THE WITNESS: Was it 2014?

6 THE COURT: I can't testify.

7 THE WITNESS: I get him and Marshall, I have been with
8 the two of them, but I think it was 2014. So you guys won't
9 think I'm completely nuts, I wrote some of this down so I
10 wouldn't forget it and I forgot it already.

11 Okay. I was appointed December 4, 2009, by Judge Miller as
12 the director.

13 BY MS. JENKINS:

14 Q. As the director?

15 A. That is what -- really, that was a technical name, but
16 monitor was fine.

17 Q. All right. And you served in that capacity until 2014?

18 A. That's right. On June 24th, Judge Marshall asked me to be
19 his court expert.

20 Q. And what did you do as court expert?

21 A. It was my job to monitor the district still in the areas
22 that they were still under court supervision, to write reports
23 as needed, or requested by the judge, or if I felt they were
24 needed and to report back to the court. Also to work with the
25 districts to help them to implement their plans correctly, and

1 if I thought that they might need some help or going in the
2 wrong direction I could advise them and they could take it or
3 leave it, but they were pretty cooperative about that.

4 Q. In that role, did you work with Dr. Janice Warren?

5 A. Oh, yes. Oh, yes.

6 Q. And what was your assessment of her performance as
7 Assistant Superintendant of Equity and Pupil Services?

8 A. Well, I have to say in all areas of my opinion that I
9 talked to her about, she was probably the best assistant
10 superintendant, certainly superintendent-worthy person I had
11 seen in all of the school districts since I had been in this
12 position.

13 Q. Why do you say that?

14 A. Because for one thing, in my opinion, educators tend to use
15 knowledge as weapons, so they hoard it. She shared everything,
16 as far as I could tell, with her staff, with the teachers, and
17 with the administrators, so that everybody was on the same page.
18 And she got the district personnel to finally buy in to actually
19 honoring their plan. And you could see the difference
20 immediately starting in the different areas that I looked at.
21 So I think she did a great job.

22 Q. Did you inform the Court of your assessment of her
23 performance at any time?

24 A. I did. As a matter of fact, one of the things we did not
25 do as a rule in the Office of Desegregation Monitoring was to

1 single out any personnel in the district and put them in our
2 report. But I thought at that time, because Dr. Warren, at that
3 time, was doing two jobs and getting paid for one, but that is a
4 whole other issue, but I had to make a mention of her in one of
5 my last reports about what a wonderful job she has done, and how
6 far she had brought the District in getting unitary status.

7 Q. Thank you. What did you observe in terms of Dr. Warren's
8 approach to monitoring?

9 A. She was very open. That's where it helped the district,
10 quite frankly, especially with our office. She didn't try to
11 hide anything. If something went wrong, she would mention it.
12 She would ask for assistance, if necessary, from us. She was
13 very, very candid and open about it.

14 Q. Let's look at Plan 2000.

15 And that's Exhibit 4. Let's look at the monitoring
16 requirements.

17 A. Okay.

18 Q. That's on Page 7, Category N. Just take a look at that and
19 when you have read it look up.

20 A. I'm ready.

21 Q. All right. What was required of the assistant
22 superintendant for desegregation under the category of
23 monitoring?

24 A. Well, the super -- you mean at this time, when this was
25 written?

1 Q. Yes.

2 A. Okay. As far as I can remember, to be honest with you,
3 it's been some time, was to provide guidance to her different,
4 or his or her different departments, and to coordinate with them
5 the activities that they were doing that met this particular
6 stipulation in their plan, and to suggest changes of course, or
7 to give advice or to get input from others to get this done.
8 But one of the things that you have to remember about monitoring
9 was that the State of Arkansas Department of Education required
10 it also. So they had to monitor one way or the other. The
11 difference is what was asked for monitoring from the Department
12 of Education versus what was asked by us. We were looking at
13 the plan. The Department of Education, of course, has their own
14 rules and things they want them to get them, but we didn't look
15 at that.

16 Q. So what is monitoring?

17 A. Monitoring is -- these are just regular terms. Paying
18 attention to what is going on in specific areas that you are
19 working with, whether it's education or football. But to see is
20 the job being done. If it is being done, is it being done
21 properly. If it's not being done properly, what do we need to
22 do to make it work basically.

23 Q. So would you read for us Paragraph 1?

24 A. The assistant superintendent?

25 Q. Yes.

1 A. The assistant superintendent for desegregation shall
2 develop a plan, so that he or she and his or her staff focus
3 their monitoring and compliance efforts on the specific elements
4 of this plan, and provide the Joshua Intervenors within the 30
5 days of the court's approval this plan, a list geared to the
6 sections of this plan, identifying the staff member or members
7 with particular responsibilities for its implementation and the
8 position held by each.

9 Q. So if she accomplishes those tasks, she has successfully
10 accomplished monitoring?

11 A. Yes. But remember, this was written in 2000. They didn't
12 have that position anymore by the time Dr. Warren got there. So
13 in my monitoring, when I did my report I didn't really look at
14 this because this was something that was already accomplished
15 and done back in 2000.

16 Q. All right. So what did you look at?

17 A. The main thing, I made sure that they had filed their
18 report that they were supposed to with the Department of
19 Education as well as the monitoring reports that they would
20 submit to the Department of Education.

21 Q. All right. Let's take a look at Exhibit 37. Have you seen
22 this document before?

23 A. Yes.

24 Q. And what is this document, and what is your evaluation of
25 it?

1 A. Well, this is one of the school district's monitoring
2 compliance reports that not only did they submit to us, but they
3 probably submitted to the Department of Education also. And it
4 covered the areas in their plan that was still under court
5 supervision, as far as what I looked at, and what had been
6 accomplished or not accomplished and what they thought was
7 achieved or not achieved. And if it wasn't achieved, what they
8 were going to do about it.

9 Q. And what was your assessment of this report, this is --

10 A. I thought it was fine. It answered all of the aspects that
11 I was looking at.

12 Q. All right. Was there anything unique implemented by
13 Dr. Warren and her team?

14 A. Well, probably several things. You caught me off guard
15 with that.

16 Q. I'm sorry.

17 A. I'm not sure what you mean by that.

18 Q. As compared to how monitoring happened before Dr. Warren
19 was in the position, how does this compare?

20 A. Well, one of the things was that they actually looked at
21 what was supposed to be looked at, made notes on it, made a
22 report on it, and then evaluated where it was, as far as
23 compliance with the plan, so that you could see movement or non
24 movement, compliance or noncompliance. Quite frankly, in the
25 years before this, she started doing this, and I'm just going to

1 say, the district would put out their monitoring reports and all
2 they did was change the dates.

3 Q. All right. All right. Let's just scroll down to Page 7,
4 which deals with discipline. Would you just kind of tell us
5 what this Table 9 refers to?

6 A. Well, basically it is to show exactly what was being done
7 within the area of discipline. So they had to put down all of
8 the records of disciplinary actions, totals and percentages in
9 each school district by race and gender, and then look at those
10 things and say, we are still having problems at this school or
11 we are having problems in this area, and what are we gonna do to
12 fix it.

13 Q. All right. In May of 2021, last summer, Judge Marshall
14 released PCSSD from several areas. Do you recall which areas
15 that he released PCSSD in?

16 A. It was my understanding, released them in all except for
17 facilities.

18 Q. All right. Let's look at Exhibit 35. You mentioned that
19 as part of your role working with Judge Marshall that you
20 occasionally provided reports?

21 A. Yes.

22 Q. Did you do that on a recurring basis?

23 A. Not in the last few years, no. The reports I did mostly
24 under Judge Marshall were ones he requested.

25 Q. All right. Can you describe what the document is on the

1 screen, ma'am?

2 A. That is a report that Judge Marshall asked me to do with
3 respect to the differences between Robinson Sports Complex and
4 the Mills Sport Complex and define or discuss or describe the
5 inequities, if any, that there were.

6 Q. What did you find?

7 A. I found inequities, and some of them were rather gross, as
8 I put in my report.

9 Q. Can you describe those inequities?

10 A. Well, particularly of quality and quantity if you want to
11 make it simple. The Robinson Complex was, in my opinion, almost
12 like a college campus, better than some college campuses that I
13 have been on. They had all of the bells and whistles and their
14 facilities were beautiful. Mills was nice, and I'm not saying
15 there was anything bad about it, but it wasn't up to the same
16 standard as Robinson, particularly their sport complex. The
17 coach had no office. Their female athletes had no place to
18 change clothes or to -- a room of their own. The location from
19 some spots were difficult to get to. The furniture was
20 different. The equipment room was smaller. I'm trying to
21 think. They didn't have nearly the space to work with that
22 Robinson had. And I'm just thinking off the top of my head. I
23 could look at this report and tell you, but I'm trying to
24 remember that. That's basically what I remember it being. And
25 it was very disappointing, to be honest.

1 Q. As part of this report, you met with a Dr. Jerry Guess?

2 A. I did.

3 Q. Could you share with us what exactly -- what he shared with
4 you?

5 A. Well, I was trying to find my notes on that, because I
6 remember he and I met speaking about the facilities, and he told
7 me that he was -- he would have to --

8 MR. BEQUETTE: Objection to the hearsay, Your Honor.

9 THE COURT: I'll sustain the objection.

10 MS. JENKINS: Your Honor, do I get a chance to argue?

11 THE COURT: You can.

12 MS. JENKINS: Okay.

13 THE COURT: She was testifying as to what somebody
14 told her. What's the response?

15 MS. JENKINS: The response is it is a statement
16 against a party.

17 At the time the statement was made that she reported, he
18 was superintendant. And I believe that falls within 801.

19 THE COURT: Hold on just a second. The question was:
20 As part of the report, you met with Dr. Jerry Guess?

21 The answer was: I did.

22 The question was: Could you share with us what exactly he
23 shared with you?

24 And Dr. Guess was the superintendant for the school
25 district at the time he made the statement, so he -- that is a

1 statement by a party opponent, as he was.

2 MS. JENKINS: Yes.

3 THE COURT: A member of Pulaski County at the time.

4 Do you want to answer that, Mr. Kees, do you want to -- oh,
5 Mr. Bequette?

6 MR. BEQUETTE: No, Your Honor.

7 THE COURT: The objection is overruled.

8 You can testify as to what Dr. Guess told you.

9 THE WITNESS: I found my report and my notes also.
10 And the statement I made in my report that was filed with the
11 Court were the words that Dr. Guess used with me when I
12 interviewed him about the facilities issue. And he, as I said,
13 you can look on this -- your own exhibit here. It said he was
14 trying to save some money, put the money in a rainy day account.
15 And that he -- it was -- the issue of the inequities were his
16 fault.

17 BY MS. JENKINS:

18 Q. All right.

19 A. He said -- and his words were, the buck stops with me.

20 Q. Did you -- did he comment about who was in charge?

21 A. Well, in that Derek Scott, I believe at the time, was the
22 person in charge of construction at that time. And my
23 impression was that he left most of the decisions up to
24 Mr. Guess. I mean Mr. Scott. I'm sorry.

25 Q. That it was your impression that Dr. Guess --

1 A. Dr. Guess relied on Derek Scott to handle the facilities
2 and construction.

3 Q. All right. Let's look at -- go back to Plan 2000. And as
4 we are going that direction, you mentioned you have been a
5 monitor since --

6 A. 1991.

7 Q. Yes. When you toured and assessed the inequities between
8 these two facilities, were you able to assess that yourself, or
9 did you have someone accompany you?

10 A. I had coaches accompany me, and one of the heads of the
11 maintenance department at one time, I believe, with me, or in
12 that particular schools, but mostly I had the coaches and their
13 assistants showing me.

14 Q. So why did you have them accompany you?

15 A. Because they knew more about sport than I did as far as,
16 you know, equipment, what was appropriate as far as size. I
17 would never have thought about changing rooms and those sorts of
18 things.

19 Q. All right. So your work as a monitor didn't prepare you to
20 assess physical facilities?

21 A. Well, we -- part of our monitoring --

22 Is it okay for me to show her something, Judge, that we
23 used as a monitoring tool?

24 Because we all had to monitor facilities, but I was not the
25 expert in the office on facilities. Mrs. Guzman (phonetic)

1 was -- she has since gone. Facilities was my last choice for
2 anything to monitor. I'll tell you that upfront, but what we
3 did was we developed a monitoring tool for facilities.

4 MS. JENKINS: You want to share that with the judge?

5 THE COURT: Come and take a look at it. And if you
6 want to, Mr. Bequette, you can come and look at this document.

7 THE WITNESS: Sorry. I didn't think about that. We
8 called these -- we called them slot visits, because most of the
9 time we get this at the beginning of the school year, and we did
10 this to make sure that the schools were ready for students and
11 teachers and for school. And we got a lot of backlash sometimes
12 from the school. They started calling us the -- what is the --
13 portable potty monitors or something, because we would get onto
14 everybody about unclean restrooms and that sort of thing, but we
15 all had specific areas. So we had someone who looked at the
16 gyms and sports areas. I didn't do that. Mostly what I looked
17 at were like counseling centers and places like that. The
18 library.

19 BY MS. JENKINS:

20 Q. Let's take a look at Exhibit 72. Do you recognize this
21 document?

22 A. Yes.

23 Q. And can you tell us what it is?

24 A. It is the minutes of one of our -- we call status meetings
25 with the Department of Education and the parties in my office.

1 Q. All right. So, these status meetings were between the
2 schools, the Federal Court representative and the state of
3 Arkansas, ADE?

4 A. Yes.

5 Q. Now were these just quiet little luncheons where people
6 chitchatted about what was going on? What was the character of
7 these meetings?

8 A. No. They were very seldom quiet little meetings. Let me
9 tell you that part. Basically, each school district or --
10 depending on what the meeting was about. It might be one if it
11 was a big issue. We discussed a specific area of the plan, what
12 the district was doing, will do, and the areas that they thought
13 that, you know, they might want to exhibit and show off, or
14 those that they were having trouble with. And if necessary, to
15 ask for help.

16 Q. This is a December 5th, 2013. The date of this particular
17 document is December 5th, 2013.

18 A. Okay.

19 Q. So these meetings began quite some time ago?

20 A. Yes. Yes.

21 Q. And they continued on a monthly basis, where you all sat
22 and talked about facilities or monitoring or student
23 achievement, depending on what was on the schedule for that
24 time; is that correct?

25 A. Right. And it continued without the Department of

1 Education, when they were released from Court supervision up
2 until this past May when Judge Marshall issued his order. We
3 had just met the night before that, as a matter of fact.

4 Q. All right. Let's look at another one of these. Let's look
5 at Exhibit 31. Would you tell us who was in attendance, and
6 their capacity, if you remember?

7 A. Well, according to this, and I'm not going to lie and say I
8 remember it exactly, but it says, Dr. Guess, Willie Marshall, he
9 is Department of Education, myself, Attorney Walker. At that
10 time regular Joy Springer, and now Representative Joy Springer.
11 Dr. Owoh, Scott Richardson.

12 Q. Who was Scott Richardson?

13 A. Scott worked for -- you ask me these names. I forgot. He
14 was. I want to say he had something to do with facilities, but
15 don't get me wrong about that.

16 Q. Okay.

17 A. It's been a long time. I tell you.

18 Q. Let's turn over to -- first, let's look at Bullet Point 1.

19 A. Okay. Pull it up a little bit. Okay. Thank you.

20 Q. Would you read that for us?

21 A. I welcome everyone to the meeting, that part?

22 Q. Excuse me?

23 A. I welcome everyone to the meeting?

24 Q. No, the second bullet point.

25 A. Oh, the second bullet point.

1 Mr. Scott stated that the district was on time and on
2 budget with the current construction projects. The replacement
3 of Mills High and Robinson Middle School. He stated the Mills
4 project was proceeding, the building pad was ready for
5 foundation and the football field is ready. Mr. Scott added
6 that students had been removed from the northeast section of the
7 site and the site turned over to construction, so that they
8 could begin.

9 Q. All right. The next bullet point, tell us what happened.

10 A. Mr. Walker -- you want me to read that or just tell you
11 what happened?

12 Q. If you remember what happened, just tell us.

13 A. Well, Attorney Walker got upset about the disparity in the
14 amounts of money being spent on both projects, and the inequity
15 of it all. He referred to the cost that it took to build
16 Maumelle, and then replacement for Mills, which was almost like
17 20 million dollars difference. He then -- I remember he was
18 just flat out saying that they were unequal.

19 Q. Dr. Warren was at that meeting. As a monitor, what
20 responsibility did she saw have when Mr. Walker announced his
21 disappointment in the disparity?

22 A. Well, Dr. Warren was not involved with facilities in any
23 authoritarian or authority wise, as far as I knew. She had very
24 little to do with that. She dealt with academics. And it was
25 her main role to improve achievement and improve discipline and

1 that sort of thing. I don't think she had very much, that I
2 could see, I never spoke to her really about facilities.

3 Q. All right. Thank you.

4 I want you to look at another document. I'm going to
5 project it. Can you see that on the -- do you recognize this
6 document at all?

7 A. Well --

8 MR. BEQUETTE: Your Honor, is there an exhibit number
9 for this document?

10 MS. JENKINS: I'm sorry. Yes, there is one.

11 THE WITNESS: Specifically, do I recognize it, or do I
12 recognize the format?

13 BY MS. JENKINS:

14 Q. The format of it.

15 A. I recognize the format of it.

16 Q. Give me one second and let me give them the exhibit number.

17 A. Sure.

18 MS. JENKINS: Exhibit 36.

19 BY MS. JENKINS:

20 Q. Let me make sure I have got the right one. Let's just use
21 36. We don't have the correct one in front of me. There. It's
22 a -- do you recognize that form?

23 A. Yes.

24 Q. All right. And tell us the source of this document, the
25 authors of it and its function?

1 A. Well, Mr. Morris was a part of the monitoring team for the
2 Department of Education, and he represented them at our status
3 meetings. And he would give us information on what they were
4 doing or not doing and --

5 Q. When you say they, is that the Department of Education?

6 A. Department of Education, yes, I'm sorry. Department of
7 Education. And what they saw that the districts were doing.

8 Q. Do you recall how frequently the Department of Education
9 did their monitoring of the school district?

10 A. If I recall correctly, I would -- I think it was four times
11 a year, and I might be completely wrong, but it was -- I assume
12 it was quarterly.

13 Q. All right. So quarterly the Department of Education came
14 in and monitored, inspected. All right?

15 A. That's what they said.

16 Q. Then PCSSD hosted the monthly monitoring meetings that you
17 discussed earlier?

18 A. Right. It was before Jacksonville became an entity to its
19 own, so they would only host -- of course Mr. Walker's office
20 would host it sometimes.

21 Q. So they rotated who hosted those monitoring meetings?

22 A. Yes.

23 Q. And then you monitored as the judge asked you to?

24 A. Well, yes. And if there was something, for instance, that
25 that I picked up on as an issue, I would look at it anyway. If

1 I felt like he needed a report, I would give him one, but I kept
2 those notes for myself.

3 Q. Okay. How were the inequities missed with all of that
4 monitoring from three different levels and directions?

5 A. Well, I can't speak for them, but my feelings are that --
6 mind you, particularly when you are talking about construction,
7 if that is what you are talking about. As far as I know, none
8 of us had any background in construction. I couldn't tell you
9 an I-beam from a Z-beam if that was the case. So I think that
10 we took it -- I know I took the words of the people who were
11 reporting, because I had no way of proving them wrong other than
12 visually looking at things when I was told that there was some
13 discrepancies in the building materials and that sort of thing.
14 So I had to learn at that time to recognize some things.

15 Q. So once you had noticed, you learned what had to --

16 A. Yeah. What should be there and what didn't have to be
17 there and that sort of thing, because that's not my background
18 at all.

19 Q. All right.

20 MS. JENKINS: That's all I have.

21 THE COURT: All right. Cross-examination.

22 MS. JENKINS: I do have one other question. I'm
23 sorry. May I ask it?

24 THE COURT: Yes.

25 MS. JENKINS: Thank you. One last question.

1 BY MS. JENKINS:

2 Q. Did you ever meet Derek Scott?

3 A. Yes.

4 Q. And what was his race?

5 A. White.

6 Q. Thank you.

7 A. We would tease each other -- we were both in the military,
8 so we would kind of get at it. Of course Navy, of course, being
9 the best.

10 CROSS-EXAMINATION

11 BY MR. BEQUETTE:

12 Q. I think I just have a few questions for you, Ms. Powell.
13 Good to see you again today.

14 A. Yes. How are you? It's been a minute.

15 Q. It has. So you were testifying --

16 How do we get this switched over here, if we could?

17 Great.

18 So you remember this. This is the recap of the meeting.
19 We have got it as Defendant's Exhibit 3, but this is the recap
20 of that meeting November 30, 2016. And on the second page we
21 see here that Mr. Walker basically said hey, Robinson Middle is
22 nicer than the Mills Facility. Walker said hey, the facilities
23 have to be equal. There is a growth disparity. So talking
24 about the disparities between Robinson Middle and the Mills High
25 School project, correct?

1 A. Uh-huh.

2 Q. Then moving several months later, I think you testified, or
3 it is in the record that in September of 2017, a few months
4 after this recap or this meeting, Judge Marshall asked you to do
5 a report about those disparities?

6 A. Yes.

7 Q. Correct?

8 A. That's correct.

9 Q. But those disparities that were talked about in court in
10 Judge Marshall's court in September of 2017, they were no
11 surprise and known to you and all of the participants in this
12 meeting back in late 2016, including Dr. Warren, correct?

13 A. As far as I know.

14 Q. Right. Because everybody was -- I mean, people were
15 talking about them?

16 A. They were talking about inequities, yes.

17 Q. Right. And Mr. Walker, you know, the attorney for the
18 intervenors, you didn't know Mr. Walker to have any particular
19 expertise in construction, did you?

20 A. No.

21 Q. He was just talking about what, you know, anyone could see
22 in plain sight, correct?

23 A. Right.

24 MR. BEQUETTE: Okay. Nothing further. Thank you.

25 THE COURT: Any redirect?

1 MS. JENKINS: Yes.

2 REDIRECT EXAMINATION

3 BY MS. JENKINS:

4 Q. At the meeting when Mr. Walker was complaining, was he
5 complaining about specifics in the construction, or was he
6 talking about the valuation, the amount of money that was being
7 committed for the construction?

8 A. At that time, it was basically about the money. Because he
9 knew that there is no way that mills would have the same quality
10 and or quantity of things that Robinson already had.

11 Q. So the construction inequities were not in plain sight, it
12 was his anticipated result from the amount of money invested?

13 A. Right. And they had drawings up there of -- but nothing
14 specific, you know, like all the little doodads that got
15 everybody in trouble. It was just some architectural drawings.

16 MS. JENKINS: All right. Thank you.

17 MR. BEQUETTE: Just one more question, Ms. Powell.

18 RECROSS-EXAMINATION

19 BY MR. BEQUETTE:

20 Q. So, I think I heard you just tell Ms. Jenkins that Mr.
21 Walker was talking exclusively about the disparity in money
22 being spent, correct?

23 A. Yes. We remembered something that happened some time ago.
24 That was the main argument for a while.

25 Q. Right. But you remember in this letter down here toward

1 the bottom?

2 A. Okay.

3 Q. Mr. Walker had obviously seen the facility, at least Mills,
4 because he compared Mills to the jail?

5 A. But see the thing about Mills at that time, there was
6 hardly enough of it to really compare, because they had not
7 gotten to all of the extras, you know, what they call the more
8 decorative. Size was more the problem with Mills, because it
9 didn't have like a coach's headquarters in there. It didn't
10 have facilities for females. And Robinson, of course, you know,
11 has that extra second floor. So that makes a whole lot of
12 difference too. So they can have parties. And Mills didn't
13 have any of that.

14 Q. You are not accusing Mr. Walker of misrepresenting the
15 facts, are you?

16 A. No.

17 Q. This was his statement, right?

18 A. Where are you?

19 Q. Down here at the bottom where it says, Mr. Walker compared
20 the replacement Mills facility to the Pulaski County Jail?

21 A. Well, you know Mr. Walker could be a bit of a hyperbole
22 person.

23 Q. You think? Appreciated you.

24 THE COURT: Anything further?

25 MS. JENKINS: Yes, I do, Your Honor. Give me one

1 second.

2 REDIRECT EXAMINATION

3 BY MS. JENKINS:

4 Q. I'm looking for the December 7th, 2016.

5 MR. KEES: Exhibit 31.

6 MS. JENKINS: Thank you.

7 Would you project it?

8 All right. Scroll down to -- no. No. 31.

9 BY MS. JENKINS:

10 Q. Yes. Scroll down to Bullet Point 2. Would you read that
11 second bullet point?

12 A. During the stuff with Mr. Scott?

13 Q. Yes, please.

14 A. Mr. Scott stated that the District was on time and on
15 budget with the current construction projects. The replacement
16 of Mills High and Robinson Middle Schools. He stated the Mills
17 project was proceeding, the building pad is ready for
18 foundation.

19 Q. Stop. The building pad?

20 A. Right.

21 Q. Was ready for foundation. So the foundation hadn't been
22 laid yet?

23 A. That's correct.

24 Q. All right.

25 MS. JENKINS: No further questions, Your Honor.

1 THE COURT: All right. Ms. Powell, you can stand
2 down. Good so to see you again.

3 THE WITNESS: Can I go home?

4 THE COURT: Yes, you can go home.

5 (Testimony ended at 1:56 p.m.)

6 REPORTER'S CERTIFICATE

7 I certify that the foregoing is a current transcript from
8 the record of proceedings in the above-entitled matter.

9 /s/Teresa Hollingsworth, CCR
United States Court Reporter

Date: March 31, 2022.